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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/751,165   | 01/03/2004  | Simon Anthony Nield  | P446                | 1595             |
| 7590   | 10/17/2006  |                      | EXAMINER            |                  |
| PAUL E. MILLIKEN<br>9061 WALL STREET, NW<br>MASSILLON, OH 44646-1676 |             |                      | LOWE, MICHAEL S     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3652                |                  |

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                      |
|------------------------------|-----------------|----------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)         |
|                              | 10/751,165      | NIELD, SIMON ANTHONY |
|                              | Examiner        | Art Unit             |
|                              | M. Scott Lowe   | 3652                 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 June 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/1/06</u> . | 6) <input type="checkbox"/> Other: _____  |

***Information Disclosure Statement***

The information disclosure statement filed 8/1/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign patent information referred to therein has not been considered. The US references have been considered.

***Claim Objections***

Claim 2 is objected to because of the following informalities: there is no punctuation at the end of the claim. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: "rails comprise "U" section channel" should be "each rail comprises a "U" cross-section channel" or something similar for clarity. Appropriate correction is required.

Claims 5,12,14 are objected to because of the following informalities: there is no space between "Claim" and the claim number. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-8,10,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fesmire (US 6,116,849).

Re claim 1, Fesmire teaches a collection bin assembly usable for a commercial laundry and which comprises a frame (43,74,68,etc.) resting on a floor and a bin 40 supported in the frame with its mouth oriented to receive items of laundry, the frame further including a track (various,74,72,etc.) which has an upward inclination relative to the floor with the bin 40 being displaceable along the track for both upwards movement away from said floor and translational movement relative to the floor to move the bin from a lowered position to a raised discharge position in use sufficiently clear of the floor to permit discharge of any contents in the bin onto a conveyor 34.

Re claim 2, Fesmire teaches the track comprises a pair of spaced apart substantially parallel rails 74 arranged one on each side of the bin 40 with one end adjacent the floor and the other end cantilevered outwards from the frame to provide the raised discharge position.

Re claim 3, Fesmire teaches the rails comprise "U" section channel 74 with the mouths of the two channels arranged in opposition, and bearing means 76 mounted on the bin are engageable within the opposed channels.

Re claim 5, Fesmire teaches the bin is held in the frame in a tilted condition with its mouth presentable towards a manual operator, and the angle of inclination of the bin to the ground increases (figures 5A-5C) as the bin moves along the track towards its raised discharge position.

Re claim 6, Fesmire teaches (figures 5A-5C) the bin is inclined at about 45 degrees in the lowered position and at least 60 degrees in the raised discharge position.

Re claim 7, Fesmire teaches the bin 40 moved along the track by at least one actuator 70,92 operable between the frame and the bin.

Re claim 8, Fesmire teaches there are two actuators 70,92,92 arranged one on each side (the relative left and right sides) of the bin 40.

Re claim 10, Fesmire teaches the bin 40 has its bottom (relative term) closed when in the lowered position and said bottom gradually (relative term) becomes open as the bin is moved to its raised discharge position (figure 5c).

Re claim 14, Fesmire teaches a commercial laundry system including a conveyor with at least one collection bin assembly according to claim 1, arranged to one side of the conveyor, the discharge position for said bin being located above the conveyor.

Claims 1,2,4-8,10-12,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomoika (JP 354111994A).

Re claim 1, Tomoika teaches a collection bin assembly usable for a commercial laundry and which comprises a frame (not numbered) resting on a floor and a bin 15 supported in the frame with its mouth oriented to receive items of laundry, the frame further including a track (various,1,5,21,etc.) which has an upward inclination relative to the floor with the bin 15 being displaceable along the track for both upwards movement away from said floor and translational movement relative to the floor to move the bin

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from a lowered position to a raised discharge position in use sufficiently clear of the floor to permit discharge of any contents in the bin onto a conveyor 25.

Re claim 2, Tomoika teaches the track comprises a pair of spaced apart substantially parallel rails 1,5,21 arranged one on each side of the bin 15 with one end adjacent the floor and the other end cantilevered outwards from the frame to provide the raised discharge position.

Re claim 4, Tomoika teaches the track (various,1,5,21,etc.) being arcuate having one end adjacent the floor with said track extending away therefrom so that its raised end in use is located above a conveyor 25.

Re claim 5, Tomoika teaches the bin 15 is held in the frame in a tilted condition with its mouth presentable towards a manual operator, and the angle of inclination of the bin to the ground increases as the bin moves along the track towards its raised discharge position.

Re claim 6, Tomoika teaches the bin 15 is inclined at about 45 degrees in the lowered position and at least 60 degrees in the raised discharge position.

Re claim 7, Tomoika teaches the bin 15 moved along the track by at least one actuator 11,13,25 operable between the frame and the bin.

Re claim 8, Tomoika teaches there are two actuators 11,13,25 arranged one on each side (the relative left and right or top and bottom sides) of the bin 15.

Re claim 10, Tomoika teaches the bin 15 has its bottom (relative term) closed when in the lowered position and said bottom gradually opens as the bin is moved to its raised discharge position.

Re claim 11, Tomoika teaches the bottom of the bin 15 formed by a shutter 1,5,21 secured to the frame so that the shutter opens as the bin 15 moves towards the discharge position.

Re claim 12, Tomoika teaches said track (various, 1,5,21,etc.) being arcuate with one end adjacent the floor with said track extending away therefrom so that its raised end in use is located above a conveyor 25, and the shutter (1,5,21) being arcuate and arranged concentrically with the arcuate track.

Re claim 14, Tomoika teaches a system including a conveyor with at least one collection bin assembly according to claim 1, arranged to one side of the conveyor, the discharge position for said bin being located above the conveyor.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fesmire (US 6,116,849).

Re claim 9, Fesmire teaches the bin is substantially square in section (there is at least one section of 40 that is square) and when in a lowered (relative term) position (figure 5A) is tilted at about 45 degrees to the vertical with the forward edge of its mouth being a maximum height above the floor with its forward bottom edge being proximate

(relative term) the floor. Fesmire does not give dimensions, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Fesmire to have the maximum height be of 1100 mm or any other height to meet the space and storage requirements.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomoika (JP 354111994A).

Re claim 9, Tomoika teaches the bin is substantially square in section and when in a lowered (relative term) position is tilted at about 45 degrees to the vertical with the forward edge of its mouth being a maximum height above the floor with its forward bottom edge being proximate (relative term) the floor. Tomoika does not give dimensions, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tomoika to have the maximum height be of 1100 mm or any other height to meet the space and storage requirements.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fesmire (US 6,116,849) in view of Shalev (US 5,764,522).

Re claim 13, Fesmire teaches the frame (43,74,68,etc.) comprises two parts, a base part 43 (etc.) standing on the floor, and an upper part (68,74,etc.) on which the track (various,74,72,etc.) and bin 40 are mounted, with the upper part resting on the base part. Fesmire is silent on load sensors. Shalev teaches a load sensor 18 acting between two parts to indicate to an operator when the bin is nominally full to capacity. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Fesmire by Shalev to have a load sensor 18 acting between two parts to indicate to an operator when the bin is nominally full to capacity in order to save work for the operator.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomoika (JP 354111994A) in view of Shalev (US 5,764,522).

Re claim 13, Tomoika teaches the frame (1,3,21,etc.) comprises two parts, a base part (inherent, it cannot float in space) standing on the floor, and an upper part (1,3,21,etc.) on which the track (various,1,5,21,etc.) and bin 15 are mounted, with the upper part resting on the base part. Tomoika is silent on load sensors. Shalev teaches a load sensor 18 acting between two parts to indicate to an operator when the bin is nominally full to capacity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tomoika by Shalev to have a load sensor 18 acting between two parts to indicate to an operator when the bin is nominally full to capacity in order to save work for the operator.

### ***Conclusion***

Applicant's arguments filed 8/1/06 have been fully considered but they are not persuasive.

Applicant argued that Fesmire's bucket 42 couldn't be a bin because a bin is an upright enclosed container with a mouth at the upper end. However according to

Princeton's Wordnet dictionary (<http://wordnet.princeton.edu/>) a bin is merely "a container". Furthermore,bucket 42 is enclosed and has a mouth and bottom (relative terms).

Applicant further argued that even if the bucket 42 is a bin, the contents are not discharged thru the bottom. However, as seen in figures 5c and 19 bin 42 does discharge thru a bottom of the bin.

Applicant did not argue the 102 rejections over Tomoika and the 103 rejections and therefore is assumed to agree with these rejections. The objections were also not addressed and assumed to be agreed with by applicant.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl



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